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ANDREW CARR

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

13 ANDREW CARR, individually and on behalf
14 of all others similarly situated,

15 Plaintiff,

16 v.

17 BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.,
18 GOLDEN LIVINGCENTER - PETALUMA,
and DOES 1 to 50,

19 Defendants.

Case No.: 12-CV-02980-EMC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING MOTION TO
DISMISS AND CASE MANAGEMENT
CONFERENCE**

Courtroom: 5

Judge: Hon. Edward M. Chen

The parties hereby stipulate as follows:

WHEREAS, Defendant Beverly Health and Rehabilitation Services, Inc. filed a Motion to Dismiss Pursuant to F.R.C.P. 12(B)(6) (“Motion to Dismiss”), which has been fully-briefed by all parties;

WHEREAS, the parties agreed to engage in private mediation prior to the Court hearing Defendant’s Motion to Dismiss. Thus, on October 4, 2012, the Court entered an Order approving the parties’ Stipulation and Proposed Order Continuing Motion to Dismiss and Case Management Conference. This Order required the parties complete mediation before December 14, 2012. The Order further continued the hearing on Defendant’s Motion to Dismiss to December 14, 2012 at 1:30 p.m.

WHEREAS, the parties were scheduled to engage in private mediation with Mr. Michael Loeb at JAMS in San Francisco on November 20, 2012. In anticipation of the mediation, the parties are informally exchanging documentation and information in order to allow the parties to engage in a meaningful and productive mediation. In addition to Mr. Carr’s individual claims, the parties are mediating Plaintiff’s class action claims. As such, the parties require additional time in order to exchange a sampling of documentation and information relevant to Plaintiff’s class claims. Thus, the parties have stipulated and agreed to continue the mediation so that the additional necessary documentation and information can be reviewed and analyzed in anticipation of the mediation. The first mutually-convenient date that Mr. Loeb has available for the continued mediation is December 18, 2012, which is four days after the current hearing date on the Motion to Dismiss, as well as four days after the parties’ current deadline to complete mediation.

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IT IS THEREFORE STIPULATED AND AGREED that the hearing on the Motion to Dismiss and the Case Management Conference shall be continued until January 17, 2013, at 1:30 p.m. in Courtroom 5, 17th Floor, San Francisco, if that date is convenient to the Court. The parties shall file a Joint Case Management Statement at least one week prior to the Case Management Conference.

IT IS SO STIPULATED.

Date: November 8, 2012

Respectfully submitted,
NORTH BAY LAW GROUP

By /s/
David S. Harris

Attorneys for Plaintiff
ANDREW CARR

Date: November 8, 2012

DINSMORE & SHOHL LLP

By /s/
Carly Chu

Attorneys for Defendant
BEVERLY HEALTH AND
REHABILITATION SERVICES, INC.

IT IS HEREBY ORDERED AS FOLLOWS:

The parties shall complete mediation before January 17, 2013. The hearing on the Motion to Dismiss and the Case Management Conference is continued to January 17, 2013 at 1:30 p.m. in Courtroom 5. The parties shall file a Joint Case Management Statement at least one week prior to the Conference.

DATED: November 8 , 2012

Honorable E.
United States

